

App. No. 09/911,143  
Office Action Dated July 12, 2005

### REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 27-31 are canceled without prejudice or disclaimer. Claims 32 and 33 are new.

New claim 32 is supported, for example, by subject matter of claim 27 and Figure 1. New claim 33 is supported, for example, by subject matter of claim 31.

Claims 27-31 were rejected as being indefinite. Claims 27-31 are canceled, rendering the rejection moot. Applicants are not conceding the correctness of the rejection as applied to the rejected claims.

The Applicants would like to thank Examiners Jorge L. Ortiz-Criado and Gautum R. Patel for conducting a personal interview with the Applicant's representatives on July 13, 2005 at the United States Patent and Trademark Office. During the personal interview, the Applicant's representatives presented proposed claims 32 and 33 and arguments distinguishing the newly proposed claims over the prior art reference relied upon by the Examiner. Following is a summary of arguments presented by the Applicants during the personal interview.

Claims 27-31 were rejected as being unpatentable over Kashiwagi (US 6,175,548) in view of Applicants' admitted prior art. Claims 27-31 are canceled, rendering the rejection moot. Applicants are not conceding the correctness of the rejection as applied to the rejected claims. It is submitted that the features of claims 32 and 33, as well as the advantages resultant therefrom, are not disclosed or suggested by either the Kashiwagi reference or Applicants' admitted prior art for at least the following reasons.

The combination of Kashiwagi and Applicants' admitted prior art fails to teach or suggest an optical recording medium including a base substrate, a cover layer through which a laser beam is passed with a wavelength of 390 nm to 420 nm, a first recording layer disposed between the base substrate and the cover layer, and a second recording layer disposed between the first

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recording layer and the cover layer, wherein a distance from a surface of the cover layer to the first recording layer is  $100\mu\text{m}\pm 10\mu\text{m}$ , as required by claim 32.

By providing the arrangement of the optical recording medium of claim 32, in particular, the claimed distance from the surface of the cover layer to the first recording layer, the present invention is able to achieve an advantageous effect in that a lower spherical aberration is experienced when disk tilt occurs, thereby enhancing the reliability of a recorded/reproduced signal. Moreover, the base material thickness for the multi-layer disk is the same as that for a single layer disk and, as a result, it is unnecessary for an apparatus to determine whether an inserted disk is a multi-layer disk or a single layer disk. See, for example, page 27, line 37 to page 28, line 37.

Further, Kashiwagi fails to teach or suggest that administrative information of the optical recording medium is recorded on the first recording layer, the administrative information including at least one of a recording and reproducing condition of the optical recording medium, as required by claim 33 of the present application. In fact, Kashiwagi does not suggest any administrative information whatsoever.

Since Kashiwagi does not teach or suggest all the requirements of claims 32 and 33, it is respectfully submitted that the claimed optical recording medium is unobvious over the cited reference and the Applicants' admitted prior art. Favorable examination of claims 32 and 33 is requested.

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In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612)455-3804.

Respectfully Submitted,

Dated: September 22, 2005



A handwritten signature in black ink, appearing to read "D. P. Mueller", written over a horizontal line.

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